

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DEENA VELASQUEZ,

Plaintiff,

v.

GWENDOLYN MITCHELL, et al.,

Defendants.

1: 02 CV F -6205 REC DLM P

ORDER DENYING PLAINTIFF'S  
MOTION TO RESCIND ORDER FOR  
PAYMENT OF FILING FEE  
(DOC 60)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. section 1983. Judgment in this action was entered on June 23, 2004. On February 23, 2005, Plaintiff filed a Motion to Rescind Order for Payment of Filing Fee. Plaintiff requests that the Court rescind its November 19, 2002 Order requiring payments to be collected from her Prison Trust Account to pay the filing fee for this action. Plaintiff makes the request due to the dismissal of her case.

Pursuant to the Court's Order granting Plaintiff leave to proceed in forma pauperis, Plaintiff is obligated to make monthly payments of 20 percent of the preceding month's income credited to her prison trust account. These payments must be collected and forwarded by the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account exceeds \$10.00, until the filing

1 fee is paid in full. 28 U.S.C. § 1915(b)(2). Accordingly, notwithstanding the dismissal of this case,  
2 payments must be collected until the filing fee is paid in full. Plaintiff's motion is therefore  
3 DENIED.

4 IT IS SO ORDERED.

5 **Dated: May 13, 2005**  
3b142a

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE